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| 10/694,582 | 10/27/2003 | Sandro David Klein | 81230.98US1 | 3749 |
| 34018. 7590 06/14/2007 GREENBERG TRAURIG, LLP 77 WEST WACKER DRIVE SUITE 2500 CHICAGO, IL 60601-1732 | | | EXAMINER BROWN, VERNAL U | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/694,582

Applicant(s)

KLEIN ET AL.

Examiner

Vernal U. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 and 30-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 and 30-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

This action is responsive to communication filed on 3/26/07.

Response to Amendment

The examiner has acknowledged the amended claims 1-2, 5-8, 17, 20-22, 25-26, 30-32, 41, 46-48, and 50.

Response to Arguments

Regarding applicant's argument on page 12 regarding actuation of a single key of the controlling device to cause the controlling device to cycle through various device states as recited in claim 8, the reference of Lin et al. is relied upon for teaching the use of a single button to select a plurality of device mode state and the predefined order is selected by the user (col. 2 lines 10-20, col. 5 lines 2-10).

Regarding applicant's argument on page 13 regarding the teachings of Van Ryzin, the reference of Van Ryzin teaches programming responsive to receipt of a second input for selecting as a function of the plurality of device mode states by selecting a function pertaining to the device mode state the control device is placed in (col. 5 lines 31-42), for example selecting the volume or channel key when the remote control is placed in the TV control mode (col. 5 lines 44-56).

Applicant's arguments with respect to the storing of data indicative of a device mode state as recited in claims 46-50 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 10-12, 14, 17-20, 23-28, 30-36, 38, 41-45 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Ryzin US Patent 6,127,941.

Regarding claim 1, Van Ryzin teaches a controlling device (100) comprising:

programming control by microprocessor (112) for allowing one of the plurality of device mode states (TV, CD, stereo) by using the graphical interface to select the appropriate icon representing the device (TV, CD, stereo) to be controlled (col. 4 lines 24-39, col. 3 lines 42-49); and programming for allowing one of a subset of the plurality of device mode states to be selected by allowing the user to select sub menus to exert control such as changing the volume or channel of the device (col. 5 lines 44-56). Van Ryzin teaches programming responsive to receipt of a second input for selecting as a function of the plurality of device mode states by selecting a function pertaining to the device mode state the control device is placed in (col. 5 lines 31-42) for example when the control device is in the TV mode, the user is allow to select function to control channels or

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volume.

Regarding claim 2, Van Ryzin teaches the programming for allowing one of a subset of the plurality of device mode states to be selected is responsive to actuation of a device mode state toggle key (col. 5 lines 21-24).

Regarding claim 3, Van Ryzin teaches the subset of the plurality of device mode states are maintained in table stored in a memory of the controlling device (col. 6 lines 55-65).

Regarding claims 4-7, Van Ryzin teaches the subset of the plurality of device mode states which is the state of the remote control in which the user is allow to select sub menus to exert control such as changing the volume or channel of the device represented by the device mode state of the remote control (col. 3 lines 42-49). Van Ryzin teaches first input comprising selecting the device mode state (col. 5 lines 21-25) and also teaches making key selection from the control menu based on the device mode state of the remote control device (col. 5 lines 31-42) for example when the control device is in the TV mode, the user is allow to select function to control channels or volume.

Regarding claim 10, Van Ryzin teaches the device mode state are indicated by the appropriate icon representing the device (TV, CD, stereo) to be controlled (col. 4 lines 24-39, col. 3 lines 42-49).

Regarding claims 11-12, and 14, Van Ryzin teaches the plurality of device mode states has an indicia (TV, CD, stereo shown in figure 1A) that is used to select the different mode states (col. 3 lines 26-30).

Regarding claims 17-20, Van Ryzin teaches the programming for allowing one of the plurality of device mode states to be selected is responsive to actuation of one of a plurality of device mode keys each of which corresponds to one of the plurality of device mode states and wherein the indicia is associated with the plurality of device mode keys (col. 3 lines 42-49). The device mode keys for selecting the device to be controlled (figure 1A) are considered toggle switches because it enables the remote control to toggle from one device state to another.

Regarding claims 23-24, Van Ryzin teaches the actuation of the device mode state by selecting the appropriate icon representing the device (TV, CD, stereo) to be controlled and these icon representing the device modes are considers toggle keys because they causes the remote control to be placed in one of the device mode states (col. 5 lines 44-56).

Regarding claim 25, Van Ryzin teaches a controlling device (100) comprising:

programming for allowing one of the plurality of device mode states by using the graphical interface to select the appropriate icon representing the device (TV, CD, stereo) to be controlled (col. 4 lines 24-39, col. 3 lines 42-49); and programming for allowing one of a subset of the plurality of device mode states to be selected by allowing the user to select sub menus to exert control such as changing the volume or channel of the device(col. 5

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lines 44-56).

Van Ryzin teaches a microprocessor 112 for controlling the operation of the remote control and the program for controlling the operation of the remote control is stored in the readable media provided by cartridge 110 or memory 114 (col. 5 lines 20-30). Van Ryzin teaches programming responsive to receipt of a second input for selecting as a function of the plurality of device mode states by selecting a function pertaining to the device mode state the control device is placed in (col. 5 lines 31-42).

Regarding claims 26 and 28, 30-31, Van Ryzin teaches the actuation of the device mode state by selecting the appropriate icon representing the device (TV, CD, stereo) to be controlled and these icon representing the device modes are considered toggle keys because they cause the remote control to be placed in one of the device mode states (col. 5 lines 44-56).

Regarding claim 27, Van Ryzin teaches storing the instruction for the device mode state in a memory 114 (col. 5 lines 20-30).

Regarding claims 32-34, Van Ryzin teaches selecting a subset of the plurality of devices in a defined order by moving the cursor in a defined order (e.g. left to right) (col. 3 lines 37-54).

Regarding claims 35-36 and 38, Van Ryzin teaches the plurality of device mode states has an indicia (TV, CD, stereo shown in figure 1A) that is used to select the different mode states (col. 3 lines 26-30).

Regarding claims 41-45, Van Ryzin teaches the programming for allowing one of

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the plurality of device mode states to be selected is responsive to actuation of one of a plurality of device mode keys each of which corresponds to one of the plurality of device mode states and wherein the indicia is associated with the plurality of device mode keys (col. 3 lines 42-49). The device mode keys for selecting the device to be controlled (figure 1A) are considered toggle switches because it enables the remote control to toggle from one device state to another.

Claims 46-48 and 50 are rejected under 35 U.S.C. 102(e) as being anticipated by Lin et al. US Patent 6633281.

Regarding claims 46 and 50, Lin et al. teaches receiving input for causing the controlling device to change from a first device mode state selected from the plurality of device mode states to a second device mode state selected from the plurality of device mode states (col. 4 lines 28-42). Lin et al. teaches a memory for storing user defined control data (col. 5 lines 33-35) and teaches a macro key for executing a series of function (col. 4 lines 60-65, col. 2 lines 10-22). The stored macro data is therefore used with the device mode toggle switch to place the control device in a desired device mode.

Regarding claims 47-48, Lin et al. teaches the activation of a device mode toggle key (col. 4 lines 28-42).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Ryzin US Patent 6,127,941 in view of Lin et al. US Patent 6633281.

Regarding claims 8-9, Van Ryzin teaches programming for selecting one of the plurality of device mode states by using the graphical interface to select the appropriate icon representing the device (TV, CD, stereo) to be controlled (col. 4 lines 24-39, col. 3 lines 42-49) but is silent on teaching the receipt of a second input which causes each of the device mode state within a subset of the plurality of device mode states to be selected in a predefined order. Lin et al. in an art related remote control invention teaches the use of a single button to select a plurality of device mode state and the predefined order is selected by the user (col. 2 lines 10-20, col. 5 lines 2-10).

It would have been obvious to one of ordinary skill in the art to modify the remote control of Van Ryzin as disclosed by Lin et al. because this simplifies the process of selecting a plurality of functions generally initiated by pressing a plurality of keys by a single key to execute a series of functions resulting in the control of various devices.

Claims 13 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Ryzin US Patent 6,127,941 in view of Tigwell US Patent 5227780.

Regarding claims 13 and 37, Van Ryzin teaches the plurality of device mode states has an indicia (TV, CD, stereo shown in figure 1A) that is used to select the different mode

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states (col. 3 lines 26-30) but is silent on teaching the use of illuminated LED to indicate the selected mode. Tigwell in an art related remote control teaches the use of illuminated LEDs to show the selected device (col. 4 lines 16-20).

It would have been obvious to one of ordinary skill in the art to modify the remote control of Van Ryzin as disclosed by Tigwell because illuminating the LED to show the selected device serves to confirm the user selection and renders the remote control more user friendly.

Claims 15-16 and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Ryzin US Patent 6,127,941 in view of Hashimoto et al. US Patent 5,554,980.

Regarding claim 15-16, and 39-40 Van Ryzin teaches the plurality of device mode states has an indicia (TV, CD, stereo shown in figure 1A) that is illuminated when selected (col. 3 lines 26-30) but is silent on teaching presenting an indicia, which is a sound or vibration. Hashimoto et al. teaches a remote control producing a sound when a particular switching mode is selected (col. 6 lines 20-24) and also generating a vibration when a particular switching mode is selected (col. 6 lines 34-39).

It would have been obvious to one of ordinary skill in the art to modify the system of Van Ryzin as disclosed by Hashimoto et al. because sound and vibration generated based on the mode selected provide a readily recognizable indication of the user's selection.

Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Ryzin US Patent 6,127,941 in view of Griesau et al. US Patent 6,507,306.

Regarding claims 21-22, Van Ryzin teaches the plurality of device mode states has an indicia (TV, CD, stereo shown in figure 1A) but is silent on teaching the toggle key is located adjacent the menu navigation key and the channel function keys. Griesau et al. in an art related remote control system teaches the toggle key is located adjacent the menu navigation key and the channel function keys (figure 1).

It would have been obvious to one of ordinary skill in the art to modify the system of Van Ryzin as disclosed by Griesau et al. because locating the toggle key adjacent to the menu and channel key provides for the convenient operation of the remote control.

Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al. US Patent 6633281 in view of Tigwell US Patent 5227780.

Regarding claim 49, Lin et al. teaches the plurality of device mode states () that is used to select the different mode states (col. 4 lines 28-42) but is silent on teaching the use of illuminated LED to indicate the selected mode. Tigwell in an art related remote control teaches the use of illuminated LEDs to show the selected device (col. 4 lines 16-20).

It would have been obvious to one of ordinary skill in the art to modify the remote control of Lin et al. as disclosed by Tigwell because illuminating the LED to show the selected device serves to confirm the user selection and renders the remote control more user friendly.

Conclusion

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Vernal Brown
June 4, 2007



BRIAN ZIMMERMAN
PRIMARY EXAMINER